

TITLE: **FUNDRAISING and HIPAA**

POLICY:

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) limits the use and disclosure of a patient's protected health information (PHI), including disclosures from the University for fundraising purposes.

An individual department, program or physician may not solicit from any patient without a signed Fundraising Authorization form.

PURPOSE :

The purpose of this policy is to provide guidance for when and how a patient's demographic or non-demographic information (protected health information) can be used for fundraising purposes. In addition, the policy includes procedures for patients to opt-out of receiving future fundraising information.

OVERVIEW:

- All patients should be given the Notice of Privacy Practices (NOPP) which informs them that their demographic information may be used by the CUMC Office of Development to contact them about general fundraising activities at CUMC without a signed HIPAA Fundraising Authorization Form.
- Before an individual department, program or physician may use protected health information (PHI) for fundraising purposes, a patient must first sign a HIPAA Authorization specially designed for such limited use ("Fundraising Authorization"). PHI includes an individual's diagnosis, treatment or identification of the clinical department providing the healthcare services.
- Patients have the right to opt out of receiving fundraising correspondence. This process is described under #3 of this policy.

GUIDANCE:

1. Permitted use or disclosure of demographic information for fundraising purposes by the Office of Development

Only the CUMC Office of Development may use or disclose limited demographic information about a patient to conduct fundraising activities without a signed Fundraising Authorization from a patient.

- a. Departments, programs and physicians must consult with the Office of Development before sending correspondence to patients that include solicitation for a donation.
- b. The following limited demographic information can be used without a signed Fundraising Authorization from a patient to raise funds or solicit

donations for the benefit of CUMC:

- Patient name
 - Address or other contact information
 - Age / Gender
 - Insurance status
 - Dates of treatment
- c. Demographic information may be filtered to exclude deceased individuals, newborns, Medicaid patients, international patients or any other category as long as the filtering is not used to produce mailings based on PHI.

2. **Fundraising Requiring Patient Authorization**

- a. A signed Fundraising Authorization form is required to use and/or disclose patients' non-demographic information for fundraising. Examples of non-demographic PHI include:
- Diagnosis & treatment information
 - Identity of physician treating the patient
 - Clinical service or program where patient received services
- b. The Fundraising Authorization is posted on the HIPAA website www.cumc.columbia.edu/hipaa

In addition, the Fundraising Authorization form may be used to share protected health information with the Office of Development, which can then use this information to provide patients with funding opportunities that relate to a patient's diagnosis or treatment.

- c. Only the Office of Development and/or the department/program/physician obtaining the Fundraising Authorization may use the patients' non-demographic information for fundraising.
- d. Documentation of a signed HIPAA Fundraising Authorization form may be documented in the patient registration system if available, or other database maintained by the department. The signed form should be maintained in the medical record.

3. **Process for Handling Patient Opt Out of Fundraising Requests**

- a. Written materials that are mailed to patients for the purposes of soliciting a donation must include required opt out language. Sample opt out language:
- *"Please write to Columbia University Medical Center, Office of Development 100 Haven Ave, Suite 29D, N.Y. N.Y. 10032 if you wish to have your name removed from mailings for future fundraising efforts."*
- b. The Office of Development maintains a list of individuals who have requested to be removed from future communications related to donor solicitation.

- c. Any CUMC affiliate advised by a patient of his/her request to opt out of receiving future fundraising communications should direct the individual to the Office of Development to process the request.
- d. Prior to contacting patients to solicit a donation, the Office of Development will verify that the individuals on the mailing list have not previously requested to opt out of receiving fundraising communications.
- e. CUMC will make reasonable efforts to comply with a patient's opt out request.

4. Exchanges of Prospect Information with the Office of Development

When meeting with a physician about a potential donor, fundraising staff of the Office of Development should limit discussions to demographic information permitted by this policy, if the patient has not signed an authorization to permit the sharing of their PHI. The information discussed may include:

- Institutional fundraising priorities
- Funding needs of CUMC
- Contacts known to physicians who may be interested in supporting institutional priorities
- Methods of encouraging self selection of interest from donor prospects, e.g., how to respond if a patient has expressed an interest in supporting a program or attending an event.

DEFINITIONS

Protected Health Information is information, (i) which is created or received by a healthcare provider, health plan, public health authority, employer, life insurer, school or university, or healthcare clearinghouse; about a patient and (ii) including demographic information that may identify a patient that relates to the patient's past, present or future physical or mental health or condition, related health care services or payment for health care services.

RESPONSIBILITY: HIPAA Compliance, Office of Development, Clinical Departments

ISSUED: December 2003
REVISED: October 2007
REVISED: February 2010